

TESTIMONY IN FAVOR OF HB 57
SENATE BUSINESS, LABOR AND ECONOMIC AFFAIRS COMMITTEE
JERRY KECK, ADMINISTRATOR
EMPLOYMENT RELATIONS DIVISION
DEPARTMENT OF LABOR AND INDUSTRY
FEBRUARY 11, 2011

Mr. Chair and members of the committee, my name is Jerry Keck. I am the administrator of the Employment Relations Division of the Department of Labor and Industry. First, I want to thank Rep. Hiner for agreeing to carry this bill.

HB 57 is a department cleanup bill related to service of subpoenas and notices of the Board of Personnel Appeals.

The Board of Personnel Appeals is a citizen review panel that reviews matters involving the Collective Bargaining Act for Public Employees. This includes cities, counties, school districts and the state and the bargaining units of their employees. The Board also serves as the appellate board for grievances filed by employees of the Department of Transportation and the Department of Fish, Wildlife and Parks.

For as long as anyone can remember, the Board of Personnel Appeals has used informal service of process for all of their proceedings. This means the Board sends subpoenas and notices of hearings using regular mail rather than serving formal notices using the local sheriff's office or including an acknowledgement of service with the mailing.

During a routine review of our statutes, the Board realized that it was not following the requirement in the statute to use the more formal service of process requirements in the rules of civil procedure. We believe that the fact that the Board has been using informal service of process for at least 20 years without any problem indicates that the more formal requirements are not necessary. HB 57 is intended to allow the Board to use informal service of process.

The members of the Board of Personnel Appeals unanimously recommended this change in the statute. In addition, this change was thoroughly discussed at the annual Labor Relations Conference last fall by the actual practitioners who appear regularly before the Board. There were not concerns expressed about this change or any indication that the manner in which the Board has historically provided service of process has been a problem.

Mr. Chair, and members of the Committee, the department is requesting your support for HB 57. I will try to answer any questions that you may have. Thank you.